

REMARKS

This Amendment responds to the final Office Action mailed June 1, 2007. Claims 1-15 remain pending in the application prior to this amendment, and claims 1-14 stand rejected. Claim 15 was withdrawn from consideration as being directed to a non-elected invention.

Applicants' representative, David W. Dorton, contacted the Examiner, Tara L. Mayo, via telephone on June 7, 2007, to inquire about the rejection of claim 14. Specifically, Applicants' representative pointed out that the Detailed Action, at page 4, refers to "a layer of web material extending across the open area," in rejecting claims 1 and 14. Applicants' representative noted that claim 14 recites a central aperture, "said aperture sized to permit deflection of said web material therethrough upon loading of said seat section." The Examiner noted a typographical error with respect to the recitation of "central aperture" and "open area", but indicated that she had not considered the "aperture" limitations and would therefore reconsider the rejections upon submission of a written response. Claims 1, 13, and 14 have been amended herein and new claim 16 has been added. Claim 15 has been canceled without prejudice and reserving the right to pursue the subject matter of this claim in a continuation application. Applicants respectfully request reconsideration in view of the amendments and the following remarks.

Application No. 10/711,754
Response to Office Action of June 1, 2007
Amendment dated June 28, 2007

Claims Rejected Under 35 U.S.C. §103

Claims 1-4, 6-11, 13, and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,568,008 to Siepmann et al. in view of U.S. Patent No. 6,361,117 to Tate. Claims 1 and 14 are the only independent claims of this rejected group. Claim 14 is directed to an articulating medical table and has been amended herein to correct the typographical error noted by the Examiner during the telephone interview with Applicants' representative on June 7, 2007. As amended, claim 14 recites, *inter alia*:

said seat section comprising:

a seat frame defining a peripheral border and a central aperture therethrough, and

a layer of web material extending across said central aperture and secured to said seat frame,

said central aperture sized to permit deflection of said web material therethrough upon loading of said seat section.

Applicants respectfully traverse the rejection of claim 14 because Siepmann '008 fails to teach or suggest each and every element recited in claim 14, and the combination with Tate '117 fails to cure these deficiencies. Specifically, neither Siepmann '008 nor Tate '117 teaches or suggests "a seat frame defining . . . a central aperture therethrough . . . a layer of web material extending across said central aperture and secured to said seat frame . . . said aperture sized to permit deflection of said web material therethrough upon loading of said seat section," as recited in claim 14. While the cushion board 42 of Tate '117, depicted in FIG. 3, includes two small apertures (not

numbered) these apertures are located laterally of the center of the board and are positioned adjacent a forward edge of the board. Accordingly, these apertures are not a "central aperture" as recited in claim 14.

Moreover, the apertures of Tate '117 are not inherently "sized to permit deflection of said web material therethrough upon loading of said seat section," as alleged in the Interview Summary mailed June 21, 2007. A rejection based on inherency requires that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. (See MPEP §2112.) Inherency may not be established by probabilities or possibilities. Tate '117 does not describe the purpose of the apertures depicted in FIG. 3. From the apparent size, location, and spacing of the apertures from the web material 58 (see e.g., FIG. 4 of Tate '117), it appears that these apertures are not sized to permit deflection of the web material therethrough, as set forth in claim 14. For at least the reasons above, Applicants respectfully request that the rejection of claim 14 over Siepmann '008 in view of Tate '117 be withdrawn.

Claim 1 is also directed to an articulating medical table, and has been amended herein to more sharply define the structure of the claimed invention. Specifically, amended claim 1 recites a seat section comprising:

a seat frame including a planar surface with a central aperture therethrough, and

a layer of web material extending directly across said central aperture and secured to said planar surface of said seat frame.

Applicants assert that amended claim 1 is not taught or suggested by the references of record. Specifically, the Examiner admits that Siepmann '008 fails to teach or suggest a seat section including a layer of web material. Tate '117 is directed to a seat that uses support brackets 46, 50 to elevate a web material 58 above a cushion board 42. Accordingly, the web material does not extend directly across a central aperture formed in a planar surface of the seat frame, as set forth in claim 1. Nor is the web material of Tate '117 secured to a planar surface of a seat frame. For at least these reasons, Applicants respectfully request that the rejection of claim 1 over Siepmann '008 in view of Tate '117 be withdrawn. Claims 2-4, 6-11, and 13 each depend from independent claim 1 and are therefore in condition for allowance for at least the reason discussed above with respect to claim 1. Accordingly, Applicants respectfully request that the rejections of claims 2-4, 6-11, and 13 over Siepmann '008 in view of Tate '117 be withdrawn.

Claim 5 stands rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Siepmann '008 and Tate '117 in further view of U.S. Patent No. 4,516,805 to Leeper et al. Claim 12 stands rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Siepmann '008 and Tate '117, in further view of U.S. Patent No. 6,880,189 to Welling et al. Claims 5 and 12 each depend from independent claim 1, and therefore include each and every feature recited in independent claim 1. Applicants respectfully traverse the rejections of claims 5 and 12 because the combination of Siepmann '008 and Tate '117 fails to teach or suggest each and every element recited in the claims, as discussed above. The further combinations

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of Siepmann '008 and Tate '117 with Leeper '805 or Welling '189 fail to cure these deficiencies. For at least these reasons, Applicants respectfully request that the rejections of claims 5 and 12 be withdrawn.

New Claim

New claim 16 depends from claim 14 and further recites "said web material extends directly across said central aperture." Support for new claim 16 can be found in the Application at paragraph 0018 and with reference to FIGS. 4a, 4b, and 5. Accordingly, Applicants assert that no new matter has been added by new claim 16. Applicants submit that new claim 16 is in condition for allowance because the references of record fail to teach or suggest a layer of web material extending directly across a central aperture of a seat frame, as discussed above with respect to claim 1. Accordingly, Applicants respectfully request early and favorable indication of allowance of claim 16.

Conclusion

In view of the foregoing amendments to the claims and the remarks set forth herein, Applicants believe this case is in condition for allowance and respectfully request allowance of the pending claims. If the Examiner believes any matter requires further discussion, the Examiner is respectfully asked to telephone the undersigned attorney so that the issue may be promptly resolved. The Examiner's prompt attention to this matter is appreciated.

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Applicants do not believe that any fees are due as a result of this communication. However, if any fees are necessary to complete this communication, the Commissioner may consider this to be a request for such and charge any necessary fees to Deposit Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By: /David W. Dorton/

David W. Dorton, Reg. No. 51,625

2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202
(513) 241-2324 (voice)
(513) 241-6234 (facsimile)